

SEP 30 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ATLAS VALENTINO LOMELI,

Defendant - Appellant.

No. 08-50300

D.C. No. 5:06-cr-00106-VAP

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Central District of California  
Virginia A. Phillips, District Judge, Presiding

Submitted September 14, 2009<sup>\*\*</sup>

Before: SILVERMAN, RAWLINSON, and CLIFTON, Circuit Judges.

Atlas Valentino Lomeli appeals from the 36-month sentence imposed upon  
revocation of supervised release. We have jurisdiction pursuant to

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

28 U.S.C. § 1291, and we affirm.

Lomeli contends that the district court erred at sentencing by placing special emphasis on the criminal conduct underlying his revocation, and by improperly seeking to punish him for such conduct. The record reflects that the district court sentenced Lomeli pursuant to factors that are appropriate under 18 U.S.C.

§ 3583(e). *See United States v. Simtob*, 485 F.3d 1058, 1062-63 (9th Cir. 2007).

Accordingly, the district court did not err and the sentence imposed upon revocation is reasonable. *See id.* at 1061.

**AFFIRMED.**